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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,308	09/02/2003	Yury Mikhailovich Rogovsky	CU-3344 RJS	2775

26530 7590 09/12/2006

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EXAMINER

WILSON, JOHN J

ART UNIT	PAPER NUMBER
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3732

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

5

**Office Action Summary
for Applications
Under Accelerated Examination**

Application No.

10/653,308

Applicant(s)

ROGOVSKY, YURY
MIKHAILOVICH

Examiner

John J. Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Since this application has been granted special status under the accelerated examination program,
**NO extensions of time under 37 CFR 1.136(a) will be permitted and a SHORTENED STATUTORY PERIOD FOR
REPLY IS SET TO EXPIRE:**

ONE MONTH OR THIRTY (30) DAYS, WHICHEVER IS LONGER,
FROM THE MAILING DATE OF THIS COMMUNICATION -- if this is a non-final action or a *Quayle* action.
(Examiner: For **FINAL** actions, please use PTOL-326.)

The objective of the accelerated examination program is to complete the examination of an application within twelve months from the filing date of the application. Any reply must be filed electronically via EFS-Web so that the papers will be expeditiously processed and considered. If the reply is not filed electronically via EFS-Web, the final disposition of the application may occur later than twelve months from the filing of the application.

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
2) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 3) ☒ Claim(s) 44-66 is/are pending in the application.
3a) Of the above claim(s) _____ is/are withdrawn from consideration.
4) ☐ Claim(s) _____ is/are allowed.
5) ☒ Claim(s) 44, 46-48, 50, 52, 53, 55-57, 59, 60, 62, 64 and 65 is/are rejected.
6) ☒ Claim(s) 45, 49, 51, 54, 58, 61, 63 and 66 is/are objected to.
7) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 8) ☒ The specification is objected to by the Examiner.
9) ☒ The drawing(s) filed on 10 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
10) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 11) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 44, 46-48, 52, 53, 57, 59, 60, 62, 64 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durante (3727312). Durante shows a hand piece 1, Fig. 1, elongated body 12 having a longitudinal axis 17, seat at 18, head 11 that rotates about a first axis perpendicular to seat 18 and is oriented angularly with respect to the longitudinal axis as shown, the cent of rotation of the head is co-incident with the longitudinal axis also as shown in the drawing, instrument 16 having a second axis of rotation 19, air turbine 54, air inlet 49, air outlet, the space within head 11, inlet channel located at the end of 49 and 42 where they meet, and exhaust channel 48, 53. While Durante shows the features as described, the reference does not actually state that the different axis relate as claimed. The specific relation of the axes is an obvious matter of choice in location of the elements in view of the shown relation in the drawings to one of ordinary skill in the art. As to claims 46, 57 and 62, the specific angle used is an obvious matter of choice in the degree of a known parameter to the skilled artisan. As to claim 48, the head inherently frictionally engages the seat to some degree. As to claims 52, 53, 59, 60, 64 and 65, the specific shape of the head is an obvious matter of choice in the shape of a known element to one of ordinary skill in the art.

Claims 50 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durante (3727312) in view of Rogovsky (RU 2030904). Durante shows the structure as described above, however, does not show using a first and second gear to rotate the head. Rogovsky teaches using first and second gears at 13 to rotate the head. It would be obvious to one of ordinary skill in the art to modify Durante to include gears as shown by Rogovsky to automatically rotate the head. As to claim 55, Durante does not show light guides. Rogovsky shows a first light guide 5, Fig. 2, second light guide 12, Fig. 5, and outlet as shown in Fig. 2. It would be obvious to one of ordinary skill in the art to modify Durante to include light guides as shown by Rogovsky in order to better illuminate the work site.

Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Durante (3727312) in view of Rogovsky (RU 2030904) as applied to claim 55 above, and further in view of Berg (5052924). The above combination does not show a gas discharge for cleaning the light outlet. Berg teaches that it is known to clean a lens using a discharge and that dental drills have air spray that can be used to accomplish lens cleaning, column 2, lines 29-35. It would be obvious to one of ordinary skill in the art to modify the above combination to include using a gas discharge to clean the light outlet as suggested by Berg in order to keep the light free from obstruction.

Allowable Subject Matter

Claims 45, 49, 51, 54, 58, 61, 63 and 66 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Specification and Drawings

The Specification and Drawings are objected to because the claimed axes should be labeled in the drawings and labeled elements described in the specification.

Response to Arguments

Applicant's arguments filed July 10, 2006 have been fully considered but they are not persuasive. Applicant's remarks are held to be moot in view of the newly applied reference to Durante and the above indication of allowable subject matter.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within


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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Wilson whose telephone number is 571-272-4722). The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver, can be reached at 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John J. Wilson
Primary Examiner
Art Unit 3732

jjw
September 1, 2006